



Jefferson County Farmland Preservation Program Current Program and Different Policy Refinement Options PRELIMINARY DRAFT: May 24, 2010

	Current Jefferson County Program (with mandatory conversion fee)	Policy Option A	Policy Option B	Policy Option C
New Residential Development - Approach				
Method of allowing new farm residences	Except for replacement residences, rezoning to A-3 district required, based on findings related to minimizing farm impact	Allow farm residences as permitted-by-right use in A-1 district	Allow farm residences by conditional use permit (CUP) in the A-1 district (a variation to Policy Option B, which requires legal opinion, would allow town vetoes of CUPs for this purpose)	Create two certified farmland preservation zoning districts, one that does not allow new residences (like current A-1) and a second that allows residences by CUP; require rezoning & CUP when new residence proposed (allows town veto and avoids conversion fee, but would be challenges)
Method of allowing new nonfarm residences	Rezoning to A-3 district required, based on findings related to minimizing farm impact	Allow nonfarm residences by conditional use in the A-1 district (a variation to Policy Option A, which requires legal opinion, would allow town vetoes of CUPs for this purpose)	Create two certified farmland preservation zoning districts, one that does not allow new residences (like current A-1) and a second that allows residences by CUP; require rezoning & CUP when new residence proposed (allows town veto and avoids conversion fee, but would be challenges)	No new nonfarm residences allowed
New Residential Development - Quantity				
Number of new farm residences allowed	From each “parent parcel,” no more than 3 new residences may be built on non-prime soils, 1 or 2 on prime, regardless of whether farm or nonfarm residences	Allow up to five residences within each A-1 zoned “parent parcel,” if one of those residences is a farm residence and the CUP process is used for the other residences		
Number of new nonfarm residences allowed	From each “parent parcel,” no more than 3 new residences may be built on non-prime soils, 1 or 2 on prime, regardless of whether farm or nonfarm residences	Allow up to 4 nonfarm residences per each “parent parcel” if a CUP process is used for residences, using 1977 “parent parcel” determination	Allow up to 4 nonfarm residences per each “parent parcel” if a CUP process is used for residences, using 2011 “parent parcel” determination	Reduce or adjust number of nonfarm residences allowed per parent parcel, compared to current County program
New Residential Development - Form				
Minimum residential lot size	One acre	Slightly reduce (3/4 acre?) to account for 1:20 nonfarm-to-farm acreage ratio if houses allowed by CUP	Eliminate or significantly reduce, allowing septic system implementation to establish minimum in most cases	Increase minimum lot size or consider variable minimum if on prime or non-prime agricultural soils
Development of residences on cropland/prime agricultural soils	Disincentive for developing on prime agricultural soils by allowing fewer residential lots on such soils, but whether to use such soils not otherwise restricted	If use CUP approach for new housing, may not allow conversion of cropland or prime agricultural soils for residences if there is a “reasonable alternative location”	No new nonfarm residences on prime agricultural soils.	
Maximum new residential lot size	2 acres in A-3 district (with larger lots possible on non-prime in exchange for fewer lots)	Increase maximum lot size	Reduce maximum lot size	Eliminate maximum lot size, relying on ratio if instead allow new residences by CUP

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Minimum ratio of nonfarm residential acreage to farm acreage	No minimum ratio required; instead rely on maximum lot size for similar purpose	Maximum 1:20 ratio of nonfarm residential acreage to remaining farm acreage (required if use CUP approach in A-1).	Reduce maximum ratio nonfarm acreage to farm residential acreage to even lower than 1:20 (e.g., 1:35)	Vary ratio based on “parent parcel” size (e.g., larger parcels have lower ratio)
Clustering of new residential home sites	Clustering recommended	Clustering required for new residences within “parent parcel” only	Clustering required for new residences within and adjacent to parent parcel	Clustering discouraged
Mapping				
General approach	Farmland Preservation Areas and A-1 zoning mapped as “default” choice throughout most of unincorporated area	Develop refined criteria for mapping Farmland Preservation Areas based on statutory guidance; results may be similar or different than current program based on criteria selected		
Future urban development areas	Urban Service Areas and planned Farmland Preservation Areas do not overlap, but there are lands zoned A-1 within Urban Service Areas	Rezone all A-1 zoned areas in urban service areas to another, non-certified “transition” district (lands planned for development in next 15 years may not be in a certified district under new statute)	Recognizing that urban service areas actually represent 20+ year growth areas, attempt to subdivide them into <15 year growth areas and 15+ year growth areas and rezone accordingly	
Future rural hamlet development areas	Plan provides option for expanding rural hamlets, but most potential hamlet expansion areas zoned A-1	Where there is a town and county approved hamlet expansion plan, rezone planned expansion to another, non-certified “transition” district		
Other Uses and Issues				
Rezoning Conversion Fee	Required for all rezonings away from A-1 district (e.g., all new residences, rezonings to Natural Resource district) construction of all new residences because land rezoned; fee averages \$900+ per acre rezoned.	Minimize requirement for conversion fees wherever possible, through approaches like CUPs for residences and more than one certified farmland preservation zoning district		
Natural Resource Zoning District	Non-state-certified district for open space uses; conversion fee required for rezoning to current Natural Resource District	Modify Natural Resource district so it may be certified as a farmland preservation zoning district	Discontinue Natural Resource zoning district, instead relying on modified A-1 district and deed restrictions as needed to preserve resources	
Pre-existing residences	Pre-existing residences (pre-1975) and their replacements are legal conforming uses in A-1 district; land divisions for pre-existing residences resulting from farm consolidation allowed in A-1 provided lot is 1-5 acres (1-3 preferred)	Cease to allow replacements to pre-existing residences in A-1 district.		
Environmental corridors	No more than one residence per every 10 acres in environmental corridor	Stricter development density limitations in environmental corridors (e.g., no more than one per 35 acres)	Looser development density limitations in environmental corridors (e.g., no more than one per 5 acres)	

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Nonfarm-related businesses	Home occupations/professional home offices, farm family businesses, public/semi-public, mineral extraction, waste storage/treatment, kennels allowed in A-1; other uses would require rezone	Also allow as permitted-by-right use in A-1 district any business conducted by the farm owner or operator that uses preexisting buildings and has up to four employees	Also allow as permitted-by-right use any business conducted by the farm owner or operator that uses any ag-related buildings and has up to four employees, per statutory allowances	Allow either policy option A or B by conditional use instead of permitted-by-right use
Agricultural-related businesses	Variety of agricultural-related businesses allowed by conditional use in A-1 district, with wider variety in A-2	Variety of agricultural-related businesses allowed as permitted-by-right use in A-1 district per statutory allowance	Continue to utilize A-2 district for more intensive agricultural business uses, keeping A-1 district more for farming and possibly limited housing by CUP	
Definitions				
“Prime agricultural soils”	All NRCS Class 1 and Class 2 soils, plus Class 3 soils with Class 1 or 2 characteristics	Limit to Class 1 and 2 soils only, as allowed by statutes		
“Nonfarm residential cluster”	No written definition in County plan or ordinance	Adopt minimum definition of clusters that requires all clustered lots to be contiguous to each other, per statute	Adopt more refined policies for clustering, referring to town comprehensive plans that have attempted to define clustering	
“Parent parcel”	For purposes of determining allowable number of residences, defined as all contiguous A-1 zoned lands under the same ownership that existed on December 13, 1977.	Redefine “parent parcels” to limit definitions and all regulations associated with it to only those contiguous lands “primarily devoted to agricultural use,” as allowed by statutes	Redefine “parent parcels” to define as all contiguous A-1 zoned lands under the same ownership that existed in 2011 (when new ordinance effective)	